

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHERINE HONOR RICH,

Plaintiff,

V.

EXECUTIVE OFFICE OF IMMIGRATION REVIEW,

Defendant.

Case No. C20-1220-RAJ-MLP

ORDER TO SHOW CAUSE

On August 12, 2020, Plaintiff Katherine Rich (“Plaintiff”), an attorney proceeding *pro se*, filed a complaint in this action seeking immigration documents from a Freedom of Information Act (“FOIA”) request concerning copies of her client O.L.R.’s, and his wife F.D.J.R.A.’s, records from their consolidated removal proceedings. (Dkt. # 1 at 1, 5.) On September 24, 2020, Plaintiff received the requested immigration records from Defendant. (Dkt. # 5 at 3.)

On October 19, 2020, Plaintiff filed a Motion for Attorney’s Fees (“Plaintiff’s Motion”) on the basis that Plaintiff substantially prevailed in her FOIA request. (Dkt. # 5.) On January 6, 2021, this Court denied Plaintiff’s Motion and determined she was not entitled to recover her attorney’s fees under FOIA. (Dkt. # 12.)

On February 11, 2021, this Court directed the parties to file a joint status update by

1 February 22, 2021, concerning whether there are any other pending issues to address in this
2 matter because Defendant had produced the requested FOIA records sought in Plaintiff's
3 Complaint. (Dkt. # 13 at 2.) To date, neither party has filed an update with the Court.

4 It is within the inherent power and discretion of the court to dismiss a civil case for lack
5 of prosecution. Fed. R. Civ. P. 41(b); *see McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991)
6 (failure to prosecute must be unreasonable in order to support dismissal); *Ash v. Cvetkov*, 739
7 F.2d 493, 496 (9th Cir. 1984). The Court weighs five factors to determine if involuntary
8 dismissal for lack of prosecution is proper. *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir.
9 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)). Specifically, the Court
10 considers: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
11 manage its docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring
12 disposition of cases on their merits; and (5) the availability of less drastic alternatives. *Id.*
13 Dismissal is proper where at least four factors support dismissal or where at least three factors
14 "strongly" support dismissal. *Beck v. Pike*, 2017 WL 530354, at *5 (W.D. Wash. Feb. 9, 2017)
15 (quoting *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)).

16 Accordingly, Plaintiff is ORDERED to show cause by **March 12, 2021**, why the Court
17 should not dismiss the complaint in this matter for failure to prosecute. Absent a timely response
18 to this Order, this action will be dismissed without prejudice. The Clerk is directed to send copies
19 of this Order to the parties and to the Honorable Richard A. Jones.

20 Dated this 4th day of March, 2021.

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23 MICHELLE L. PETERSON
United States Magistrate Judge